

AMENDED IN ASSEMBLY MARCH 2, 2006

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE MAY 3, 2005

AMENDED IN SENATE APRIL 20, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 151

**Introduced by Senator Soto
(Coauthor: Senator Vincent)**

(Coauthors: Assembly Members DeVore, Shirley Horton, and Spitzer)

February 7, 2005

An act to amend ~~Section 92~~ *Sections 374.2, 374.3, 374.4, 374.7, 374a, and 374d* of the Penal Code, relating to ~~bribery~~ *public health and safety*.

LEGISLATIVE COUNSEL'S DIGEST

SB 151, as amended, Soto. ~~Judicial officers: bribery.~~ *Public health: illegal dumping.*

~~Existing law prohibits giving or offering a bribe to any judicial officer or any person authorized to hear or determine any question or controversy, with the intent to influence the decision.~~

~~This bill would prohibit a defendant or plaintiff with a matter before a judicial officer, from influencing that judicial officer through the making of a threat, as specified. By expanding the scope of a crime, the bill would impose a state-mandated local program.~~

Existing law makes it illegal to maliciously dump harmful substances in places not intended to be used as a deposit for harmful substances.

This bill would provide that any vehicle used to illegally dump harmful substances may be impounded, as specified.

Existing law makes the illegal dumping of waste on public or private property an infraction.

This bill would make the illegal dumping of waste on public or private property a misdemeanor and would provide that any vehicle used to illegally dump waste on public or private property may be impounded, as specified.

Existing law makes it an infraction to litter on public or private property.

This bill would make it a misdemeanor to litter on public or private property and would provide that any vehicle used to unlawfully litter on public or private property may be impounded, as specified.

Existing law imposes a minimum \$100 fine when a person is convicted of littering on a waterway.

This bill would increase the minimum fine for the unlawful littering on a waterway to \$250 and would provide that any vehicle used to unlawfully litter on a waterway may be impounded, as specified.

Existing law makes it a misdemeanor to dispose of the carcass of a dead animal in a public area.

This bill would provide that the punishment for the unlawful disposal of the carcass of a dead animal in a public area shall be increasing mandatory fines, as specified, and would provide that any vehicle used to unlawfully dispose of the carcass of a dead animal in a public area may be impounded, as specified.

By revising the penalties for existing crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 **SECTION 1.** *Section 374.2 of the Penal Code is amended to*
2 *read:*

374.2. (a) It is unlawful for any person to maliciously discharge, dump, release, place, drop, pour, or otherwise deposit, or to maliciously cause to be discharged, dumped, released, placed, dropped, poured, or otherwise deposited, any substance capable of causing substantial damage or harm to the operation of a public sewer sanitary facility, or to deposit in commercial quantities any other substance, into a manhole, cleanout, or other sanitary sewer facility, not intended for use as a point of deposit for sewage, which is connected to a public sanitary sewer system, without possessing a written authorization therefor granted by the public entity which is charged with the administration of the use of the affected public sanitary sewer system or the affected portion of the public sanitary sewer system.

As used in this section, “maliciously” means an intent to do a wrongful act.

(b) For the purposes of this section “person” means an individual, trust, firm, partnership, joint stock company, limited liability company, or corporation, and “deposited in commercial quantities” refers to any substance deposited or otherwise discharged in any amount greater than for normal domestic sewer use.

(c) Lack of specific knowledge that the facility into which the prohibited discharge or release occurred is connected to a public sanitary sewer system shall not constitute a defense to a violation charged under this section.

(d) Any person who violates this section shall be punished by imprisonment in the county jail for not more than one year, or by a fine of up to twenty-five thousand dollars (\$25,000), or by both a fine and imprisonment. If the conviction is for a second or subsequent violation, the person shall be punished by imprisonment in the county jail for not more than one year, or imprisonment in the state prison for 16, 20, or 24 months, and by a fine of not less than five thousand dollars (\$5,000) or more than twenty-five thousand dollars (\$25,000).

(e) Any vehicle used to illegally dump refuse in violation of this section may be impounded pursuant to subdivision (a) of Section 22655.5 of the Vehicle Code. All expenses and fees shall be incurred by the violator.

SEC. 2. Section 374.3 of the Penal Code is amended to read:

1 374.3. (a) It is unlawful to dump or cause to be dumped any
2 waste matter in or upon any public or private highway or road,
3 including any portion of the right-of-way thereof, or in or upon
4 any private property into or upon which the public is admitted by
5 easement or license, or upon any private property without the
6 consent of the owner, or in or upon any public park or other
7 public property other than property designated or set aside for
8 that purpose by the governing board or body having charge of
9 that property.

10 (b) It is unlawful to place, deposit, or dump, or cause to be
11 placed, deposited, or dumped, any rocks, concrete, asphalt, or dirt
12 in or upon any private highway or road, including any portion of
13 the right-of-way thereof, or any private property, without the
14 consent of the owner, or in or upon any public park or other
15 public property, without the consent of the state or local agency
16 having jurisdiction over the highway, road, or property.

17 (c) Any person violating this section is guilty of ~~an infraction~~
18 *a misdemeanor*. Each day that waste placed, deposited, or
19 dumped in violation of subdivision (a) or (b) of this section
20 remains is a separate violation.

21 (d) This section does not restrict a private owner in the use of
22 his or her own private property, unless the placing, depositing, or
23 dumping of the waste matter on the property creates a public
24 health and safety hazard, a public nuisance, or a fire hazard, as
25 determined by a local health department, local fire department or
26 district providing fire protection services, or the Department of
27 Forestry and Fire Protection, in which case this section applies.

28 (e) A person convicted of a violation of this section shall be
29 punished by a mandatory fine of not less than two hundred fifty
30 dollars (\$250) nor more than one thousand dollars (\$1,000) upon
31 a first conviction, by a mandatory fine of not less than five
32 hundred dollars (\$500) nor more than one thousand dollars
33 (\$1,000) upon a second conviction, and by a mandatory fine of
34 not less than seven hundred fifty dollars (\$750) nor more than
35 two thousand five hundred dollars (\$2,500) upon a third or
36 subsequent conviction. If the court finds that the waste matter
37 placed, deposited, or dumped was used tires, the fine prescribed
38 in this subdivision shall be doubled.

39 (f) The court may require, in addition to any fine imposed
40 upon a conviction, that, as a condition of probation and in

1 addition to any other condition of probation, a person convicted
2 under this section remove, or pay the cost of removing, any waste
3 matter which the convicted person dumped or caused to be
4 dumped upon public or private property.

5 (g) Except when the court requires the convicted person to
6 remove waste matter which he or she is responsible for dumping
7 as a condition of probation, the court may, in addition to the fine
8 imposed upon a conviction, require as a condition of probation,
9 in addition to any other condition of probation, that any person
10 convicted of a violation of this section pick up waste matter at a
11 time and place within the jurisdiction of the court for not less
12 than 12 hours.

13 (h) (1) Any person who places, deposits, or dumps, or causes
14 to be placed, deposited, or dumped, waste matter in violation of
15 this section in commercial quantities shall be guilty of a
16 misdemeanor punishable by imprisonment in a county jail for not
17 more than six months and by a fine. The fine is mandatory and
18 shall amount to not less than one thousand dollars (\$1,000) nor
19 more than three thousand dollars (\$3,000) upon a first conviction,
20 not less than three thousand dollars (\$3,000) nor more than six
21 thousand dollars (\$6,000) upon a second conviction, and not less
22 than six thousand dollars (\$6,000) nor more than ten thousand
23 dollars (\$10,000) upon a third or subsequent conviction.

24 (2) "Commercial quantities" means an amount of waste matter
25 generated in the course of a trade, business, profession, or
26 occupation, or an amount equal to or in excess of one cubic yard.
27 This subdivision does not apply to the dumping of household
28 waste at a person's residence.

29 (i) For purposes of this section, "person" means an individual,
30 trust, firm, partnership, joint stock company, joint venture, or
31 corporation.

32 (j) Except in unusual cases where the interests of justice would
33 be best served by waiving or reducing a fine, the minimum fines
34 provided by this section shall not be waived or reduced.

35 (k) *Any vehicle used to illegally dump waste in violation of this*
36 *section may be impounded pursuant to subdivision (a) of Section*
37 *22655.5 of the Vehicle Code. All expenses and fees shall be*
38 *incurred by the violator.*

39 SEC. 3. Section 374.4 of the Penal Code is amended to read:

1 374.4. (a) It is unlawful to litter or cause to be littered in or
2 upon any public or private property. Any person, firm, or
3 corporation violating this section is guilty of ~~an infraction~~ *a*
4 *misdemeanor*.

5 (b) This section does not restrict a private owner in the use of
6 his or her own property, unless the littering of waste matter on
7 the property creates a public health and safety hazard, a public
8 nuisance, or a fire hazard, as determined by a local health
9 department, local fire department or district providing fire
10 protection services, or the Department of Forestry and Fire
11 Protection, in which case this section applies.

12 (c) As used in this section, "litter" means the discarding,
13 dropping, or scattering of small quantities of waste matter
14 ordinarily carried on or about the person, including, but not
15 limited to, beverage containers and closures, packaging,
16 wrappers, wastepaper, newspapers, and magazines, in a place
17 other than a place or container for the proper disposal thereof,
18 and including waste matter which escapes or is allowed to escape
19 from a container, receptacle, or package.

20 (d) A person, firm, or corporation convicted of a violation of
21 this section shall be punished by a mandatory fine of not less
22 than ~~one hundred dollars (\$100)~~ *two hundred fifty dollars (\$250)*
23 nor more than one thousand dollars (\$1,000) upon a first
24 conviction, by a mandatory fine of not less than five hundred
25 dollars (\$500) nor more than one thousand dollars (\$1,000) upon
26 a second conviction, and by a mandatory fine of not less than
27 seven hundred fifty dollars (\$750) nor more than one thousand
28 dollars (\$1,000) upon a third or subsequent conviction.

29 (e) The court may, in addition to the fine imposed upon a
30 conviction, require as a condition of probation, in addition to any
31 other condition of probation, that any person convicted of a
32 violation of this section pick up litter at a time and place within
33 the jurisdiction of the court for not less than eight hours.

34 (f) *Any vehicle used to litter in violation of this section may be*
35 *impounded pursuant to subdivision (a) of Section 22655.5 of the*
36 *Vehicle Code. All expenses and fees shall be incurred by the*
37 *violation.*

38 SEC. 4. Section 374.7 of the Penal Code is amended to read:

39 374.7. (a) Every person who litters or causes to be littered, or
40 dumps or causes to be dumped, any waste matter into any bay,

lagoon, channel, river, creek, slough, canal, lake, or reservoir, or other stream or body of water, or upon a bank, beach, or shore within 150 feet of the high water mark of any stream or body of water, is guilty of a misdemeanor.

(b) Every person convicted of a violation of subdivision (a) shall be punished by a mandatory fine of not less than ~~one hundred dollars (\$100)~~ *two hundred fifty dollars (\$250)* nor more than one thousand dollars (\$1,000) upon a first conviction, by a mandatory fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) upon a second conviction, and by a mandatory fine of not less than seven hundred fifty dollars (\$750) nor more than one thousand dollars (\$1,000) upon a third or subsequent conviction.

(c) The court may, in addition to the fine imposed upon a conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of subdivision (a), pick up litter at a time and place within the jurisdiction of the court for not less than eight hours.

(d) *Any vehicle used to litter in violation of this section may be impounded pursuant to subdivision (a) of Section 22655.5 of the Vehicle Code. All expenses and fees shall be incurred by the violator.*

SEC. 5. Section 374a of the Penal Code is amended to read:

374a. Every person giving information leading to the arrest and conviction of any person for a violation of Section 374.2, ~~374.3-~~or~~~~, 374.4, 374.7, 374c, or 374d is entitled to a reward therefor.

The amount of the reward for each arrest and conviction shall be 50 percent of the fine levied against and collected from the person who violated Section 374.2, ~~374.3-~~or~~~~, 374.3, 374.7, 374c, or 374d and shall be paid by the court. If the reward is payable to two or more persons, it shall be divided equally. The amount of collected fine to be paid under this section shall be paid prior to any distribution of the fine that may be prescribed by any other section, including Section 1463.9, with respect to the same fine.

SEC. 6. Section 374d of the Penal Code is amended to read:

374d. (a) Every person who knowingly allows the carcass of any dead animal which belonged to him at the time of its death to be put, or to remain, within 100 feet of any street, alley, public highway, or road in common use, and every person who puts the

1 carcass of any dead animal within 100 feet of any street, alley,
2 highway, or road in common use is guilty of a misdemeanor.

3 *(b) Every person convicted of a violation of subdivision (a)*
4 *shall be punished by a mandatory fine of not less than two*
5 *hundred fifty dollars (\$250) nor more than one thousand dollars*
6 *(\$1,000) upon a first conviction, by a mandatory fine of not less*
7 *than five hundred dollars (\$500) nor more than one thousand*
8 *dollars (\$1,000) upon a second conviction, and by a mandatory*
9 *fine of not less than seven hundred fifty dollars (\$750) nor more*
10 *than one thousand dollars (\$1,000) upon a third or subsequent*
11 *conviction.*

12 *(c) The court may, in addition to the fine imposed upon a*
13 *conviction, require as a condition of probation, in addition to*
14 *any other condition of probation, that any person convicted of a*
15 *violation of subdivision (a), pick up litter at a specified time and*
16 *place within the jurisdiction of the court for not less than eight*
17 *hours.*

18 *(d) Any vehicle used to illegally dump carcasses in violation of*
19 *this section may be impounded pursuant to subdivision (a) of*
20 *Section 22655.5 of the Vehicle Code. All expenses and fees shall*
21 *be incurred by the violator.*

22 ~~SECTION 1. Section 92 of the Penal Code is amended to~~
23 ~~read:~~

24 ~~92. (a) Every person who gives or offers to give a bribe to~~
25 ~~any judicial officer, juror, referee, arbitrator, or umpire, or to any~~
26 ~~person who may be authorized by law to hear or determine any~~
27 ~~question or controversy, with intent to influence his or her vote,~~
28 ~~opinion, or decision upon any matter or question which is or may~~
29 ~~be brought before him or her for decision, is punishable by~~
30 ~~imprisonment in the state prison for two, three or four years.~~

31 ~~(b) (1) Any defendant or plaintiff, appearing before any~~
32 ~~judicial officer authorized by law to hear or determine any~~
33 ~~question or controversy involving that defendant or plaintiff, who~~
34 ~~attempts to influence that judicial officer~~

35 ~~through the making of a threat to cause serious bodily injury,~~
36 ~~harm, or death to the judicial officer, his or her immediate~~
37 ~~family, his or her staff, or the immediate family of his or her~~
38 ~~staff, is punishable by a fine of not more than ten thousand~~
39 ~~dollars (\$10,000), or by imprisonment in the state prison.~~

1 ~~(2) For purposes of this subdivision, a statement is a threat~~
2 ~~where the person making the statement specifically intends that~~
3 ~~the statement be taken as a threat and the person has the apparent~~
4 ~~ability to carry out the threat.~~

5 ~~SEC. 2.~~

6 *SEC. 7.* No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the
11 penalty for a crime or infraction, within the meaning of Section
12 17556 of the Government Code, or changes the definition of a
13 crime within the meaning of Section 6 of Article XIII B of the
14 California Constitution.

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